

TOWN BOARD MEETING
WEDNESDAY, JULY 1, 2009; 7:00 P.M.
NEW WINDSOR TOWN HALL
NEW WINDSOR, NEW YORK

BOARD MEMBERS PRESENT: Supervisor Green, Councilwoman Mullarkey, Councilwoman Biasotti, Councilman Lundstrom

OTHER OFFICIALS PRESENT: Comptroller Finnegan, Police Lieutenant Farbent, Highway Superintendent Fayo, Town Attorney Blythe, Assessor Wiley

ABSENT OFFICIALS: Councilwoman Weyant

Supervisor Green called to order the Town Board meeting and presided over same.

#1 On Agenda: Minutes

Motion by Councilwoman Mullarkey, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor approve the minutes of the Public Hearings regarding amendments to Chapter 240 - Sewers Local Law, amendments to Chapter 92 - Amusements Local Law, and the minutes of the Town Board meeting, all held on June 3, 2009, as per the copies posted on the Town Clerk's bulletin board in the Town Hall, and same distributed to each of the Town Board members.

Roll Call: All Ayes

Motion Carried: 4-0

UNFINISHED BUSINESS

HIGHWAY DEPARTMENT

2 On Agenda: Receive And File Inter-Municipal Agreement – Pavement Markings On Non-County Roads – 2009 Season

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk the Inter-Municipal Agreement for pavement markings on non-county roads for the 2009 season.

WATER DEPARTMENT

3 On Agenda: Receive And File Notice Of Claim – NYS Water Board Vs. Town Of New Windsor

Hearing no objection, the Town Board of the Town of New Windsor receive and file Notice of Claim in the matter of the New York City Water Board v. Town of New Windsor and the New Windsor Consolidated Water District for unpaid invoices for excess water consumption for the time period January 1, 2005 through April 1, 2009.

SANITATION DEPARTMENT

GENERAL

4 On Agenda: Receive And File Retirement Letter – Town Justice Suttlehan

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk, a letter of retirement from Town of New Windsor Justice Donald Suttlehan, effective July 31, 2009.

5 On Agenda: Motion – Appoint Town Justice Noreen Calderin

Motion by Councilwoman Mullarkey, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor appoint Noreen Calderin, 7 Oak Hill Drive, Rock Tavern, New York 12575 as Town Justice for the Town of New Windsor effective August 1, 2009.

Roll Call: All Ayes

Motion Carried: 4-0

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6 On Agenda: **Receive And File City Of Newburgh Vs. Drainage District #6,
Mt. Airy Estates (The Reserve)**

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk a Summons in a civil action - City of Newburgh vs. Mark Sarna, Sarna Enterprises, Inc., Mt. Airy/Aire Estates, Inc., New Windsor Development Co., LLC, and Drainage District #6 – Mt. Airy Estates (The Reserve) Town of New Windsor, Orange County, New York.

7 On Agenda: **Motion – Authorize Supervisor To Execute Inter-Local Agreement
With Orange County**

Motion by Councilwoman Mullarkey, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor authorize the Supervisor to execute Inter-Local Agreement with the County of Orange – 2009 Byrne Assistance Grant Recovery Act Program Award.

Roll Call: All Ayes

Motion Carried: 4-0

8 On Agenda: **Motion – Authorize Execution Of Inter-Municipal Agreement With
Town Of Woodbury – Cooperative Information Technology Services**

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor authorize the Supervisor to execute an Inter-Municipal Agreement between Town of New Windsor and Town of Woodbury for purposes of utilizing the Town of New Windsor's Information Technology Officers to assist the Town of Woodbury in the establishment, configuration, maintenance and oversight of the Town of Woodbury computers.

Roll Call: All Ayes

Motion Carried: 4-0

9 On Agenda: **Motion – Authorize Execution Of Inter-Municipal Agreement With
Town of Cornwall – Cooperative Information Technology Services**

Motion by Councilwoman Mullarkey, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor authorize the Supervisor to execute an Inter-Municipal Agreement between Town of New Windsor and Town of Cornwall for purposes of utilizing the Town of New Windsor's Information Technology Officers to assist the Town of Cornwall in the establishment, configuration, maintenance and oversight of the Town of Cornwall computers.

Roll Call: All Ayes

Motion Carried: 4-0

10 On Agenda: **Motion – Appoint To Zoning Board Of Appeals – Kimberly Volpe**

Motion by Councilman Lundstrom, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor appoint Kimberly Volpe, 238 Parkway Drive, New Windsor, New York to the Town of New Windsor Zoning Board of Appeals as an alternate.

Roll Call: All Ayes

Motion Carried: 4-0

11 On Agenda: **Receive And File Annual Financial Report Update Document –
FY 12/31/2008**

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk the Annual Financial Report Update Document for the Town of New Windsor from Nugent & Haeussler, P.C., Certified Public Accountants, for fiscal year ended December 31, 2008.

12 On Agenda: **Receive And File Approved Budget Reallocation Request –
Impact V**

Hearing no objection the Town Board of the Town of New Windsor receive and file with the Town Clerk the approval of a request for budget reallocation with the New York State Division of Criminal Justice Services for program SA08484010 – Impact V.

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13 On Agenda: Motion – Authorize Final Payment – Jones Specialty Service Group

Motion by Councilwoman Mullarkey, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor authorize final payment for Erie Avenue and Route 94 Sewer Line Replacement to Jones Specialty Services Group, Inc., 183 Corporate Drive, Binghamton, New York, in the amount of \$15,600.67.

Roll Call: All Ayes

Motion Carried: 4-0

**# 14 On Agenda: Motion – Authorize Calling Public Hearing – Extension Of
Vails Gate Fire District**

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor adopt an Order Calling Public Hearing regarding the Extension of the Vails Gate Fire District to be held on the 5th day of August 2009 at 555 Union Avenue, New Windsor, New York at 7:00 o'clock p.m. and authorize the Town Clerk to advertise pursuant to law.

Roll Call: All Ayes

Motion Carried: 4-0

**# 15 On Agenda: Motion – Adopt Resolution – Consolidation Or Dissolution Of
Certain Government Entities**

Motion by Councilwoman Mullarkey, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor hereby adopt the attached resolution opposing legislation relating to the consolidation or dissolution of certain local government entities – S.5661 & A.8501:

WHEREAS, the New York State Assembly and Senate have recently passed legislation to amend the General Municipal Law, the Municipal Home Rule Law, the Town Law, the Village Law and the Local Finance Law, in relation to the requirements for dissolving or consolidating fire districts, villages, towns and town special improvement districts, and to repeal certain provisions of the Town Law and the Village Law relating thereto; and,

WHEREAS, the Governor has yet to act on this legislation; and,

WHEREAS, the memorandum in support of this legislation purports that it will reduce property taxes although there is no substantial proof that consolidation results in lower property taxes; and,

WHEREAS, this legislation does not deal with the true costs of the high real property taxes in New York State which are attributable primarily to the costs of: personnel expense, primary and secondary education, social welfare services and debt; and,

WHEREAS, this legislation does not provide similar authority to the residents of cities, counties, county improvement districts or school districts; and,

WHEREAS, despite the assertions in the memorandum in support of this legislation, property taxes are generally not high due to the number of local government entities in New York State since villages and special improvement districts are established to assign the cost of desired services to the people who will be receiving said services; and,

WHEREAS, the only realistic way in which consolidation would result in a cost savings is to eliminate jobs, such as police, fire and highway, or reduce or eliminate services; and,

WHEREAS, although this legislation is called the “Voter Empowerment Act” it encourages a citizen-initiated consolidation plan to be implemented without a vote on its actual provisions by the electorate; and,

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WHEREAS, the citizen initiated petition process requires the signatures of only ten percent of the voters and an unlimited time frame for acquiring the necessary signatures to initiate the consolidation procedure; and,

WHEREAS, the requirements to contest a bad plan include the signatures of 25% of the voters within only 45 days are too restrictive to realistically believe that voters will get the opportunity to contest a bad plan and the plan should be subject to mandatory referendum; and,

WHEREAS, there is not enough time for governing board(s) to complete the consolidation or dissolution study and plan since this legislation allows only seven months when history shows the average study/plan takes one to two years to complete; and,

WHEREAS, it is an open question of law and highly debatable as to whether the New York State Constitution presently authorizes counties to abolish towns, cities, villages, or districts; and,

WHEREAS, to insure that consolidation or dissolution occurs because the people who live and vote in a particular town, village or district want consolidation or dissolution this legislation must be amended; and,

WHEREAS, it is the Town of New Windsor's recent experience that efforts at the regionalization or centralization of functions in county government, including most recently the ownership, custody and control of voting machines, as well as previous efforts, such as the Orange County Landfill, have not resulted in cost savings and in fact, have produced additional mandates and costs which town taxpayers have borne; and

WHEREAS, we believe that cooperation rather than consolidation is favored since it saves taxpayer resources while keeping local democracy intact and readily accessible to the people:

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of New Windsor hereby opposes the passage of the Consolidation And Dissolution Of Local Government legislation in its current form; and,

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to send a certified copy of this resolution to our representatives in Goshen and Albany, including the Governor, to make certain our County and State Elected officials know and understand the Town's position.

Roll Call: Councilman Lundstrom: Abstain
 Councilwoman Biasotti: Aye
 Councilwoman Mullarkey: Aye
 Supervisor Green: Aye

Motion Carried: 3-0

16 On Agenda: Motion – Adopt Resolution – Opposing Centralized Property Tax Administration Program

Motion by Councilwoman Biasotti, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor hereby adopt the attached resolution opposing Orange County Centralized Property Tax Administration Program:

WHEREAS, the Orange County Real Property Tax Service Agency received a State grant to conduct two studies regarding the **Centralized Property Tax Administration Program**, one of which was titled – the **Tax Collection Database Study**, and the second which is titled the **Assessment Improvement Study**; and,

WHEREAS, the County's **Tax Collection Database Study** is proposing a county-wide tax collection system that would be centralized at the County level and have the data entered by the local governments' tax collectors and their staff; and,

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WHEREAS, the Town Boards, City Councils, School Boards, and the Village Boards and some Village Clerks/Collectors were not consulted on these initiatives; and,

WHEREAS, the County's report states that in order for the collectors to continue to use our existing software it must be modified to meet or exceed the County standards at a cost that will be borne by local government and is therefore an unfunded mandate; and,

WHEREAS, the Town Board of the Town of New Windsor finds that in regard to the county-wide tax collection system initiative: (1) that the Town, Village and School Boards need to be consulted prior to implementing a new computer program; (2) all costs and fees to be paid by the local governments must be identified, including the costs of equipment, start-up, future costs, staff training, annual licensing and maintenance fees; and,

WHEREAS, the centralization of other computer databases at the county level have resulted in unreliable databases and slow responsiveness to system problems such as the IMPACT Police database; and,

WHEREAS, having a database located at the county level restricts the local government's access to the primary data and it also removes the local government's ability to utilize certain software functions; and,

WHEREAS, it has been the Town of New Windsor's experience that past regionalization or centralization efforts to concentrate certain functions in county government have not resulted in cost savings, but to the contrary, have resulted in additional mandates and costs which the Town of New Windsor taxpayers have borne; and,

WHEREAS, the State's grant for the County's **Assessment Improvement Study** required a focus on the creation of Coordinated Assessment Programs (CAPS) and the study includes proposed CAPS, as well projected cost estimates that fall significantly short of the actual costs to implement these CAPS which would include the cost of a re-valuation of the participating communities; and,

WHEREAS, based upon its review the Town Board of the Town of New Windsor finds that: (1) the report is silent on the loss of services to the taxpayer; (2) the creation of CAPS requires a high level of cooperation between Town Boards and, or City Councils and should only be approached with informed citizen participation and support; (3) the proposed CAPS within the County Report were recommended with no input by the affected municipalities; (4) the report is silent as to the location of the centralized office function; (5) the staffing levels and projected costs were done with no input from the actual assessors that serve these communities; (6) the impacted assessors were not consulted as to their willingness to absorb additional communities or what their compensation requirements would be (7) the report is silent on the diminished services to the municipalities since many assessor's offices perform additional functions unrelated to their primary functions of appraisal and exemption administration; and,

WHEREAS, the only realistic way in which consolidation could result in a cost savings is to eliminate jobs, or eliminate services; and,

WHEREAS, the local assessors' offices are collecting vast amounts of valuable information to all County offices including Tax & Finance, County Clerk, E-911, Real Property Office and Social Services, the costs associated with collecting and processing this data are borne primarily by the local assessment offices; and,

WHEREAS, the initiatives promoted do not deal with the true costs of the high real property taxes in New York State which are attributable primarily to the costs of: personnel expense, primary and secondary education, social welfare services and debt;

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NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of New Windsor hereby opposes the enactment of those initiatives of Orange County's Centralized Property Tax Administration Program which would mandate additional costs to the Tax Receiver's Office, and promote the creation of an unfunded Coordinated Assessment Program; and

BE IT FURTHER RESOLVED, that the Town Board does, however, support those measures of voluntary cooperation among local governments in providing services; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to send a certified copy of this resolution to our representatives in Goshen and Albany, including the Governor, to make certain our County and State Elected officials know and understand the Town's position.

Roll Call: Councilman Lundstrom: Abstain
Councilwoman Biasotti: Aye
Councilwoman Mullarkey: Aye
Supervisor Green: Aye

Motion Carried: 3-0

17 On Agenda: Officials Reports

The following reports were received, recorded and filed with the Town Clerk:

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|---|--------------------|
| Fire Prevention | Month of June 2009 |
| Justice Court – Donald J. Suttlehan | Month of June 2009 |
| Justice Court – Richard W. Thorpe | Month of June 2009 |
| Police Department | Month of June 2009 |
| Receiver of Taxes Monthly Tax Statement | Month of June 2009 |
| Recreation Department | Month of June 2009 |
| Tax Receiver Water-Sewer-Garbage | Month of June 2009 |
| Town Clerk | Month of June 2009 |

18 On Agenda: Public Forum

Supervisor Green opened the public forum portion of the meeting by asking if any of the Board had any comments.

William Steidle asked about the Notice of Claim which was mentioned in #3. Supervisor Green said that since it involves litigation, he wasn't sure how much information he should give. He said it has to do with excess water consumption and the Town has a per capita limit on what can be taken based on the ratio based on the population within the water district. This is for water over that limit which has not been paid for and the Town has a very good reason for not paying it. It is being negotiated right now with the New York City Water Board.

Kirk Williams went to a public hearing on the proposed water pipeline from Riley Road through Five Corners down Route 32. He requested the Town Board join in opposition with other towns and villages which are against the pipeline. Supervisor Green said that so far absolutely no one has ever discussed the possible tap with the Town of New Windsor.

Barney Bedetti thanked the Town Board for readdressing medical coverage for elected officials.

Bert Merolli said that Patriot Ridge had a fence put up separating them from Windsor Crest and he understands that a ten foot strip of land was given to the Town of New Windsor to maintain. Supervisor Green said that he didn't think the Town would have accepted such a dedication but he would certainly check into it.

Diane Newland wanted to know who else was involved in the lawsuit mentioned in #6, the City of Newburgh lawsuit with Drainage District #6. Supervisor Green said that New Windsor was named in the lawsuit.

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Hearing no one else wishing to speak, Supervisor entertained a motion to close the public forum.

Motion by Councilman Lundstrom, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor close the Public Forum portion of the meeting.

Roll Call: All Ayes

Motion Carried: 4-0

#19 On Agenda: Adjourn

Motion by Councilwoman Mullarkey, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor adjourn the Town Board meeting at 8:25 p.m.

Roll Call: All Ayes

Motion Carried: 4-0

Respectfully submitted,

DEBORAH GREEN
TOWN CLERK

/clc